THE ARGUMENT BEGUN

THE THOMAS MURDER REVIEWED BY PROSECUTOR WILTSIE.

Opening Speech, Covering Two Hours and Eight Minutes, Followed by Charles W. Smith for Defense.

The Smith murder case has resolved itself into a battle of eloquent words and construction of the criminal law. The argument in the case was opened yesterday morning by Prosecutor Charles Wiltsle He spoke for two hours and eight minutes. Charles W. Smith, for the defense, followed and spoke until noon. After dinner he resumed and did not conclude until 4:30 o'clock, Attorney Spaan will open the argument Monday morning for the prisoner. Congressman Charles L. Henry will follow him and John S. Duncan will then take up the case for the prisoner. John B. Elam will make the close for the State Tuesday morning. Judge McCray announced yesterday that the counsel for both sides must get through by Tuesday noon. The intense cold weather of yesterday morning kept a great many people at home and as a consequence the court room was not half filled at the opening session. Yesterday afternoon, although the weather had moderated but little, the crowd came again and scrambled and pushed each other about for an entrance.

Prosecutor Wiltsle began promptly at 9 o'clock. At times during his speech his arraignment of the prisoner was scathing. He began with the announcement that he was suffering with a severe cold. "Gentlemen of the jury," he continued, "you will have to bear with me while I discharge my final duties in connection with this case. I have a just sense of the responsibility resting upon me. The duty I have to perform is not a pleasant one, for the prosecution of a fellow being charged with murder is never a pleasing duty, but my feelings do not matter, I have a duty to perform. Your verdict in this case may bring pain to some people closely related to the defendant. It is also a fact that there are some absent from us today whose hearts have drunk dregs of the bitter cup of despair; whose hearts have bled because of the untimely death of W. B. Thomas. None of these things should influence you. You must do your duty-true to yourselves, true to your oath and true to your God. The interests of society are at stake. The State of Indiana only asks that you be firm and resolute for the right and the law. I believe that you are in favor of the enforcement of it and I shall do the best I can to guide you in drawing up a true and just verdict in this case. The defendant, W. E. Smith, is charged

with having killed W. B. Thomas, on July 12, 1894. In this charge is included the lesser degree of homicide, known as manslaughter." Mr. Wiltsie then called the attention of the jury to the law governing the case. After reading from the statement covering homicide he said again: ou will observe, gentlemen, that under the indictment in the case, if you should be satisfied beyond any reasonable doubt that Winnie Smith did, in this county and State, purposely and with premeditated malice,

kill W. B. Thomas, you must find for murder in the first degree. If you find that he killed him purposely and maliciously, but without premedition, you must find him guilty of murder in the second degree. On the other hand, if you find that malice be wanting, but the killing was done unlawfully, you must find this defendant guilty of mausiaughter. Mr. Balliff, will you please get me some water?
"The defendant enters a plea of not guil-The defendant enters a plea of not guil-The State is prepared to meet all the ues of the case fairly. The State assumes

issues of the case fairly. The State assumes the burden of proving every allegation in her indictment. The prosecution in this case recognizes the humane rule of law that this defendant is presumed to be innocent until you are satisfied of his guilt beyond any reasonable doubt. If you could not reach that stage in this trial, we say to you that this defendant must go acquitted. But we also say to you that when you have thrown around him the presumption of innocence, and when by the evidence that presumption is removed, you must find him guilty and mete out to him the punishment he deserves.

THE PROSECUTOR CONTINUES

THE PROSECUTOR CONTINUES. The prosecutor reviewed the crime from the evidence and detailed briefly the history of the murdered man. He followed the movements of Thomas and his friends to Brighton Beach where there were other "actors in the tragedy, the defendant and his friends-the woman whom he had keptthe woman for whom he had furnished rooms, the woman who is without character and without virtue, the woman lost to all shame to the world and society, but who is not lost to the interest of this case and who committed perjury on the witness stand as false as hell itself." The attorney madas false as hell itself." The attorney made no attempt to excuse the presence of W. B. Thomas at Brighton Beach, but at the same time held up to ridicule the story of Smith that he went to the resort simply to get a glass of seltzer. The attorney took up a map of the saloon and pointed out each door and window and the general location of the rooms to give weight to his assertion that Smith did not go there innocent of the presence of the other men. He referred with sarcasm to the testimony of assertion that Smith did not go there innocent of the presence of the other men. He referred with sarcasm to the testimony of the prisoner in which he placed all of the witnesses of the tragedy, careful that their arrangement would be such that the girl in the buggy could see them. Smith was not corroborated by any other witness than Myrtle Overturf. Suss had told his story which contained the charge that Smith had told nim he was going to "have it out with some one." The attorney admitted that the last statement of the plano player had taken them by surprise. All of this latest evidence had been in favor of the defendant but if his statements were changed, it was not at the instance of the State. Some one else had induced him to change them. When Smith came into the bar-room he was in the presence of his friends. Whitman and Lynch were his friends, But Thomas had no friends there. There was nothing in the tone of Thomas's voice when he spoke to Smith that was insulting. The words, "why don't you pay the man?" were not contrary to the ethics of the bar-room. There was nothing in them that would justify Smith in cutting his throat. Then was Thomas to be murdered because he asked the man to take a drink? The last words that Thomas said were those that indicated his friendly heart. This "moral man, Smith," got insulted because Thomas invited him not only to take a drink, but to invite his lady friend. Thomas's last action was to lay his hand upon the shoulder of the man and ask him to drink with him. It simply meant a friendly act and a friendly greeting. With that language the defendant says that Thomas struck him in the mouth. Hunt, the bartender, only saw Thomas with hands at language the defendant says that homas struck him in the mouth. Hunt, the artender, only saw Thomas with hands non Smith's shoulders. There was not a ark upon the person of Smith that could ot have been inflicted by himself. Contingual of the afterney said:

not have been inflicted by himself. Contin-uing the afterney said:
"There are circumstances in this case that speak more eloquently than witnesses. There are the clothes of the poor victim and you saw the gashes in the garments. Dr. Marsee says that a knife cuts deepest where it first enters. That wound near the eighth rib was made from behind, forward. When Thomas put his hands on Smith's shoulder, the murderer struck the blow, and when Hunt saw the men going out of the door it was the struggle of a man defending himself from the attack of an assassin. Here is the knife. Mr. Dun-can tells you there is not a juror that does not carry a larger one. Perhaps that is not carry a larger one. Perhaps that is true, but you are men of character, and it pocket.

MARKS ON SMITH. The best argument that it was a deadly weapon was the wound in the body of Thomas. I say that the marks on Smith's throat were made by a man already in the throes of death. If not, when was his throat cut? Dr. Marsee says that a man . with a jugular vein cut could not live more than a minute. These marks on Smith were so superficial that they had to get a physician to find them. Could not Smith have done this himself? A single blow with his own hand would have made the marks described by the able doctor. Don't you know that if Mr. Thomas had hit the deknow that if Mr. Thomas had hit the defendant as has been described, he would have knocked him through the door, it Thomas, I say that the marks on Smith's would have been no trial for murder today. It was a defenseless man equinst a cowardly assassin. A blow in the side; a stab in the throat and all was over." Attorney Wiltsie dwell at some length upon the statement of Smith, calling attention to the plea that the prisoner did not

remember when he lost his knife. The attorney insisted that Smith must have known when he used his knife, and that the effect had been deadly. Without any semblance of the courage of manhood he had struck his prostrate victim a blow in the face.

"Prostrate, sweltering in his blood, in the throes of his death," continued the attorney, "he was struck in the face. Turn him loose, if you will. Open the jail door, if you will, but take care to provide yourselves with weapons and prepare to defend yourselves. They say that Thomas followed Smith to the buggy. He was dying then, and staggered to the buggy blindly. And yet they will tell you that a few seconds before his death he was trying to hurt Winnie Smith. Another thing; so lost to all moral right was the murderer that he strikes his bloody victim with the whip. Smith was cool and deliberate, as many a cowardly assassin has been before. Where did he go? He drives away in his buggy with no marks upon him, save a few superficial coratters. with no marks upon him, save a few super-ficial zeratches. He goes to Fall creek, and the woman sits in the buggy and holds the horse while the murderer washes the blood off his hands. There was not enough water in Fall creek to do it. The brand of Cain is upon him and he can never wash it out."

is upon him and he can never wash it out."

Mr. Wiltsie continued, following up the action of Smith until he was arrested at Broad Ripple. Had Smith been innocent of murder, he contended, he would not have begun so early to try to suppress the facts. From the day of the murder the prisoner and the woman had been accorded the opportunity of seeing each other many times a week. The attorney concluded by reading from the statutes the cases of McDermott against the State, in which the court had held that a man in drawing a knife from his pocket could make up his mind to kill a person and commit murder in the first degree. During the argument, Mrs. Wands, the mother of the prisoner, evinced considerable emotion, but kept her face covered most of the time with the somber fan she has carried in court since the trial began.

ARGUMENT FOR DEFENSE.

Charles W. Smith Opens with a General Plea of Self Defense.

Attorney Charles W. Smith commenced his argument with a few words to the jury upon the duty they owed themselves in trying a man for a crime so serious as the present one. The accused stood chavged with murder in the first degree and they would have to determine whether or not he was guilty of murder in the first or second degree, or manslaughter. Continuing he said: "I will now proceed to offer as best I can

what constitutes the crime of manslaughter That is the third crime that can be included. (He read the section pertaining to manslaughter from the statutes). There comes times when a man kills another and when times when a man kills another and when the law will not only excuse him but will justify the act. The law clearly recognizes that there are times when our passions are engendered. The law takes into account our infirmities and says that, when in the heat of passion one man kills another, it is not murder, but manslaughter. But a blow, an assault and battery may be sufficient provocation, and the law recognizes it as such. When a man kills another under such circumstances the law does not find him guilty." Attorney Smith read from the case of

Miller against the State, 37 Ind., page 478, where the courts said it was clear that when a homicide was committed in the heat of passion, without malice, it must be called manslaughter. Then he continued: called manslaughter. Then he continued:

"Sometimes it is said that a deadly weapon itself implies malice, but this must depend entirely upon the circumstances of the case. In case of mutual combat, when the blood is heated, a man may intend to kill another, but because of his heated blood the law will not imply malice to the deadly weapon used. The accused has pleaded not guilty to this charge, and the evidence must satisfy you that every element of some one of the that every element of some one of crimes or there can be no conviction. The defendant has insisted that he is guilty of no crime, and the evidence has surely defendant has insisted that he is guilty of no crime, and the evidence has surely shown that. There are cases where the law says a man does right in killing his assailant. The doctrine of self-defense is that when a man is where he has a right to be, and is sat upon by another, he may stand his ground in the defense of his life, and if it is in self-defense that he kills his assailant, he is not guilty of crime. The law then justifies the act and says the killing is no crime. The law does not say that a man shall stand and he battered and choked to death. It says that if he is set upon and believes that he will be injured, the right of self-defense arises, and if in that defense he kills the assailant the blood is upon the dead man's head. Whether or not this defendant was in danger of harm is to be judged by the circumstances under which he was placed. When a man is suddenly set upon, if he were required to stop and think and deliberate, the law of self-defense would be gone entirely. It is the assailant's own fault if he brings on the difficulty. He is responsible for his own wounds. I want to read to you, gentlemen, from the law of the statute, so that you may know that it is the law speaking to you and not myself out of my zeal for my client."

THE LAW OF SELF-DEFENSE.

THE LAW OF SELF-DEFENSE. Reading from the 134th Ind., Mr. Smith went on: "This quotation I have just read is on the law of self-defense and the law of a case similar to this one. To deny a man the right to act promptly is to take away the law of self-defense. Was the prisoner guilty of murder in the first degree? Was he guilty of murder in the second degree? Was he guilty of manslaughter or was he justified in the eyes of the law in killing Mr. Thomas? Was he in a place where he had right to be, and was set upon and viciously assaulted? If he defended himself and the assallant came to grief, we can only say that the assallant brought the misfortune on himself, and we are sorry for the result. There are certain principles of law that have come down through the centuries. The first proposition is that the law presumes the accused to be innocent of the commission of any crime. The fact that there is an indictment against him raises no presumption whatever that he has been guilty of the crime. He is entitled to the benefit of that presumption in your minds, through this case from the beginning to the end, and there can be no conviction until this presumption has been removed and the evidence in the case has convinced you beyond a reasonable doubt that he is guilty. "We are entitled to start in with the presumption of innocence. That stands by the accused throughout the case. I say to you and each one of you, that the doctrine of a reasonable doubt must be considered individually and as a panel. If one of you feel that there is a reasonable doubt, that juror violates his oath if he yields that reasonable doubt to the other eleven men. In this case, if the jury entertains any reasonable doubt of the defendant's guilt, it should acquit him. Each juror should feel the responsibility resting on him as a member of the body. What is meant by 'reasonable doubt?" Doubtless many of you have served on criminal juries, and some of you in civil cases, but the rule is different regarding this court. In a criminal case it is not sufficient that the preponderance of testimony should be in the favor of the accused. It goes further than that, You must have no reasonable doubt. You are not compelled to come to a verdict. he defended himself and the assallant came to grief, we can only say that the as-sailant brought the misfortune on himof the accused. It goes further than that, You must have no reasonable doubt. You are not compelled to come to a verdiet. You must be convinced to a degree of moral certainty—every doubt removed—until you feel that you are acting in a natter of vital importance to yourselves. You must be able to say, I have no doubt that this is so.

"Gentlemen of the jury. I have tried to offer these principles of law before coming to the evidence. All the accused shall ask at any time will be a right conclusion according to the evidence. It seems to me there can be no doubt as to the conclusion in this case. Knowing the measure of proof that must be required before this defendant can be convicted of any crime, let us see if the evidence can show that crime beyond a reasonable doubt. The crime beyond a reasonable doubt. The State says that he has been guilty of m der. The law says he is presumed to be innocent. Then, have not we the right to say that we will try this case by the evidence and that this boy is not to be found guilty on any hint or insinuation on the part of the counsel for the State, because, for sooth, they have found this case weak when they expected to find it strong? DISCUSSES THE EVIDENCE.

At this point attorney Smith took up the evidence, carefully dissecting the testimony of each witness for the State. Continuing he said:

"I take it that the deceased when in his normal and natural condition, was a gentleman. He comes from a good family, he mar, led into a good family. He was a man of large means and able business qualifications. I shall not willingly say anything harsh against him. In point of fact, I think I shall not say one word that his friends present will not, after this matter is over, justify me in saying. Unfortunately, on this fatal night, W. D. Thomas was not in his normal condition. He was not, I regret to say, Western B. Thomas, the gentleman. We do not know Thomas, the gentleman. We do not know where he spent that night until 2 o'clock in the morning. We know he was with his friends in the Imperial saloon at that hour and that they were drinking beer. At 3 o'clock he and his friends started to Brighton Beach; for what purpose we can only conjecture. On the other hand this defendant had spent that night in dissipation as well as Mr. Thomas, and we offer no excess for him. Certain it is that Thomas and his friends

were in that barroom before Mr. Smith came. I want to say to you that there is no evidence worthy of your credence from which you can draw the impression that up to the time the defendant went into that barroom he knew that anybody was there or that he had a grudge against any man in that room. He was surprised to find those men there. It is true the witness Suss say that when Smith came back ness Suss say that when Smith came back the second time he avowed his intention of having it out with somebody. Mr. Smith says not, and between the two men I leave it to you which one is the best entitled to your credence. I think that Mr. Suss ought to go out of this case entirely. I think that you should not give his testimony any weight whatever. I only wish his evidence could be taken because he says in his examination that Smith was acting in self-defense. The prosecutor representing the State said that somehow or other this witness had come under the influence of the defense. Gentlemen, the records in this case show that from the day Suss was put in jail he has been in the custody of the State—where we could not touch him; where we could not reach him. They are making insinuations that they have no right to make, and they ask you to convict the defendant on the suggestion that we have tampered with this you to convict the defendant on the suggestion that we have tampered with this witness. But even if we concede what Suss says to be true, that Smith declared he would have it out with some one, it is certain that he did not refer to the man at the bar. Smith came in and asked Suss if there was anybody in the saloon, and Suss said there was not. Did Smith know of the presence of persons in the other room? Did he have a grudge against Western B. Thomas? He says that he did not know him, and Mr. Suss, in the same sentence, told him there was no one there. We have had no indications of ill temper on the part of Smith that night, but we have on the part of Mr. Thomas. Smith says he stepped to the door to watch his horse. Is that true? Myrtle Overturf says so, and hackman Whitman, one of the State's own witnesses, says Smith stood near the door when he asked the bartender for his bill.

THE CRIME DESCRIBED. THE CRIME DESCRIBED.

"Now, gentlemen, that is the situation. Smith comes in good-humoredly and stands near the door. Thomas breaks into the conversation without any cause whatever. I do not want to speak harshly, because they are strangers. Mr. Thomas was talking of a matter with which he had nothing to do. It was certainly a piece of impudence and impertinence on the part of Thomas, to put it mildly. The significance is this: It shows that he was not himself. If he had been sober he was too much of a gentleman to have said anything of the kind. It shows that he was not Thomas among men, but Thomas after a night of drinking. It shows that he was aggressive—that, as the boys say, he had a disposition to put his nose into some one else's business. Up to this point there is no contradiction that Mr. Thomas was the aggressor. I think he was stepping outside of what his conduct should have been when he said to Smith. Til pay it for you.' Here, again, was a piece of impertinence on If he had been sober he was too much of Here, again, was a piece of impertinence on his part. Smith was a stranger to him. He suggests that Smith cannot pay his own bills, as though he was a pauper. Then he invited Smith to drink again. Then he invited Smith to drink again. Smith says he had a lady outside; that he has drank enough. Then Thomas says, 'Bring your woman in, or, if you won't drink, take her and be off.' Mr. Thomas had now gotten to a point where he thought he was the owner of that saloon, and was ready to take possession of it. It had now gotten beyond impudence; it had come to aggressive impertinence. We all know that it was a misfortune that either of those men were there, but Smith had as much right there as Thomas. Thomas had been the aggressor all the while. Smith said, 'I don't know that I have to go away,' and then Thomas, according to the testimony, laid his pipe on the bar and turned around. All the witnesses to the tragedy testified that Lynch attempted to interfere, and Thomas struck Smith a blow in the face. Smith says it is Smith a blow in the face. Smith says it is true, Suss says so, and Dr. Morgan testified to the condition in which he found Smith the morning after the murder. By that we know Winnie Smith's story is true, even if we had no further corroboration. From the testimony of the Sinte's own witnesses, we can mony of the State's own witnesses we can show that the right hand went out and that it was placed on Smith's breast. It is shown that as the hand went out there was something about the movement that caused the bartender to cry, 'Hold on, I don't want any fuss here this morning.' "If the testimony of Mr. Suss can be taken for anything in this case he pos-itively and emphatically swore that Thomas brushed Lynch out of the way and struck Smith in the face, calling him a vile name. Smith in the face, calling him a vile name. Nobody contraciets the statement that Thomas struck Smith on the nose and it was bleeding. It has been shown that there were a few drops of blood in the house. How did it get there if it was not Smith's nose? It was not from the knife. Then the testimory says Thomas got his hand on Smith's ear and shoulders and held him. Thomas was pursuing him in the assault and who says to the contrary? held him. Thomas was pursuing him in the assault and who says to the contrary? Dr. Morgan says the next morning Smith's ears were torn loose. You must know there was great force used in doing that. Miss Overturf says she saw the deceased grab Smith about the head and I submit that Smith about the head and I submit that from the condition of Smith's coat next morning, her story must be true. What must Winnie Smith have thought at the time? Gentlemen, what would any of you thought under the circumstances? The accused was sick. He weighed but 129½ pounds. He found a man stronger and mightier than he was, He found himself in a grasp he could not throw off. Caught by the throat and struggling for breath, did not he have a right to do what he did? He had a right to take out his knife. They call it a deadly weapon, but I will guarantee that there is no smaller knife carried in this city.

Those men fell out of the door? Smith Those men fell out of the door? Smith says he fell on the side or rather on top. He says that he got up first, but did not then know that he had cut the man. He was trying to cut him. He had a right to cut him and he did cut him. Smith started toward the buggy and ran to it, but Thomas got up from the floor and was at the buggy almost as quick as Smith. A witness says Thomas's hands were up as if he was about to lay them upon the wheels. Smith says he struck behind with wheels. Smith says he struck behind with the whip and struck Thomas. Gentlemen, this is one of the significent points of the tragedy. There was a man who had received his fatal wound; dying. And yet so flerce was his anger, so determined was his spirit, that he arose and followed this man. That in my mind is one of the strongest circumstances in this case, as tending to show he was the aggressor. I tell you the more you think of that the more it to snow he was the aggressor. I tell you the more you think of that the more it comes to us with what fierceness of rage did that man pursue the defendant in this

WAS IT SELF-DEFENSE? "Of course, this is a sad transaction. We are sorry for it, but that is not the question you have to determine. You have to determine whether or not this defendant has been guilty of crime. Whether it was murder in the first or second degrees; whether it was manslaughter, or whether the deed was done in self-defense. Smith wasn't fleeing from arrest. He drove away to the creek, washed his hands, and drove to a hotel, where he was found within three hours after the tragedy. This is the case as made by the evidence. But these gentlemen make some criticism on some points of the testimony. They say the testimony of Smith and Myrile Overturf cannot be believed. Gentlemen, if there cannot be believed. Gentlemen, if there was any serious conflict between their testimony and that of the State, then it would be material for us to consider with some particularity whether or not this testimony should be entitled to credence. Myrtle Overturf admitted that she told the police she had not seen this guarant. For police she had not seen this quarre! But take the situation. She was frightened and nervous. Smith had told her to 'keep still.' that this was not the time to talk. Now, some crilcism has been made on Smith for that statement, but I am sure that if any of the State's attorneys had been defending Winnie Smith at that time, those very words Winnie Smith at that time, those very words would have been the advice to the girl. The fact is, that on that day, within five minutes after she had talked with police Captain Quigley, she was taken before the coroner. She had no opportunity of talking to Smith. On that day she told the coroner nearly every detail that she has since told the court. She told the story that to-day goes to show that Winnie Smith was acting in self-defense. Under such circumstances a witness is not required to speak at all, unless they desire to do so. But after the police, in their zeal, quired to speak at all, unless they desire to do so. But after the police, in their zeal, press beyond and go further than they should in the inquisition of a witness. I say that the fact that she denied knowl-edge, until taken before an officer author-ted by law, is not a thing to be weighed by you. You have seen her before you, you have seen Mr. Smith and the bearing of both I i was under trying circumstances, and I leave it to you that every came upon the witness stand and frankly and freely told you the truth. They made known to you the things that they would like to con-

you the things that they would like to conceal or forget.

"It is claimed that both of these witnesses were impeached. But what were the questions asked of the dozen police who testified as to that? 'Are you acquainted with the moral character of these people?' Why did they need to bring a witness to prove that a woman and man, who have occupied the relations admitted by these two, were of bad moral character. But that is not the question, it is whether they have a bad moral character for truth and veracity. That was open to the State, and if they could, in all this city, have found a man or woman who would testify to that, they would have been on the stand. But they

scoured the town and found no one that would say this man and woman are untruthful. Every human creature has a point of weakness. The dead man had his point in weakness. He could not control his appetite for drink. Many people would have said he had a bad moral character because of that. But it does not follow that a man and woman who occupied the relations of this man and woman, can't be believed. I call your attention to the fact, that no perthis man and woman, can't be believed. I call your attention to the fact, that no person outside of the police department of this city, undertook to give evidence on that subject. Not one out of this broad city of more than one hundred thousand people. From a long habit of detecting crime the police seem to feel that if a man escapes their clutches it has been a reflection upon their ability."

Cost of the Trini.

The Smith trial will cost Marion county about \$250. More than half of this amount will go to the regular and special bailiffs. The jurors will be paid \$2 a day. A. R. Royster, the regular bailiff, is allowed \$20 for the week and \$12.50 extra for five night's attendance on the jury. The entire bailiff expense will be \$182.70. Wild Rumor of Sulcide.

In some mysterious manner a report was spread abroad last night that Winnie Smith had committed suicide by shooting himself. For several hours the county jail and police station were kept busy answering telephone nquiries concerning the matter. How such a wild rumor should have gained currency a wild rumor should have gained currency is a mystery, as there was absolutely no foundation for it. Winnie Smith is even more confident of acquittal now than he has ever been before and nothing is more foreign to his thoughts than the idea of suicide. The first inquiries came from the northeast portion of the city, but before long they were coming in from every direction.

THE INCOME TAX.

Deputy Collector Ryan Visits Mercantile Agencies for Information.

Deputy Revenue Collector Ryan yesterday received instructions from Washington that he must prepare a list of the taxpayers who are within the reach of the ncome tax law and should use every means that he can devise to accomplish the collection of this tax. He visited the commercial agencies with a view to ascertaining those whose rating shows they are taxable in this form. He will send these men a blank requesting them to fill it out and return to him. The law, he says, makes it the duty of any man knowing that his income is over \$3,500 to report the fact and pay the tax. There has been no appropriation by Congress for this work and the deputy's regular force will have to do all the work.

Metcalf Goes to Roby.

Secretary Metcalf, of the State Board of Health, left last night for Roby, where it was reported that seven cases of smallpox had been found and removed to the Cook county hospital.

He says he has received no direct infornation from the local health officer, as the rules require, and he intends to sift the matter to the bottom. It was incumbent, he says, for the secretary of the Illinois Board of Health to send him word in such cases. It is reported about the Statehouse that every means has been taken by the Roby management to suppress news of this outbreak, and that when the first case occurred, several weeks since, everybody was vaccinated that could be reached.

"It takes lots of money to be fitted out in the manner the regulations require," said Quartermaster-general Compton, referring to his uniform. "My outfit cost \$400, and if the Republicans elect the Governor two years from now, I want a man about my size to be appointed to succeed me. I will let him succeed to my clothes at a reasonable price. The outfit consists of two dress suits, a sword that cost \$75, a belt that cost \$40, a chapeau, boots, fatigue uniform, etc. The only member of the Governor's staff who escapes is his private secretary, who is permitted, by courtesy, and not by regulation, to wear an evening dress suit at receptions."

Meeting of College Press Editors. The officers of the Truffana College Press Association held a meeting in the Denison yesterday afternoon. The session was devoted to a discussion of the field of college journalism. A complete porgramme was arranged for the meeting to be held here oratorical day," next March. The journals were represented as follows: The Earlhamite, Miss Ida E. Mendenhall and Mr. J. Edwin Jay; Butler Collegian, Mr. George Hoke; the Wabash, Mr. Charles M. Gregg; the Rose Technic, Mr. H. H. Meadows, and the DePauw Weekly, Mr. James Cooper. James Cooper.

La Grippe Is Coming.

There are several well-developed cases of the old-time "grip" in the city, and it is feared that an epidemic is coming. Dr. J. r. Boyd says la grippe is prevalent in the East and will, in all probability, reach here. He says there is a great difference between la grippe and influenza, the former affecting the nervous system and the latter attacking the air passages only. La grippe is the more dangerous of the two. The cold weather reduces the liability of an epilemic, but the disease raged in Russia in the severest weather,

Quartet Chamber Music. Arrangements have been made by which

music students who wish to hear the chamber music concert to be given next Tuesday night by the Schliewen String Quartet, assisted by Mr. Pierce, the pianist, will be ad-mitted for 25 cents, on the presentation of certificates from their teachers. The pro-gramme for Tuesday night is one of inter-est. It includes the first movement of the Saint-Saens quintet, a solo by Mr. Schlie-wen, the Grieg sonata in F, by Mr. Pierce and Mr. Schliewen, and other numbers equally beautiful.

No More Fast Driving.

There will be no more winter racing on the North Delaware-street course. This was determined yesterday when the police officers of that and other districts where the ordinance regarding fast driving has the ordinance regarding fast driving has been so frequently violated were instructed to arrest all violators. There was, he ever, only one arrest made, and the of-fender was dismissed after he had been given a lecture on the subject.

Insured Without Her Knowledge.

A representative of the Covenant Insurance Company, of St. Louis, called upon Mrs. L. Davidson, of Haughville, to cancel a policy of \$2,500, which he claimed she carried in his company. Mrs. Davidson, however, denies any knowledge of it, but her two married daughters, in whose favor the policy is made, claim that their mother, who is sixty years old, has forgotten the

Insane Man's Queer Frenk.

Yesterday evening, about 6 o'clock, patrolman Richardson was called to 45 Minerva street to quiet a supposed drunk man, who was amusing himself by jumping through the windows. Officer Richardon, however, discovered the man was not drunk, but insane. His name is Jerry Con-nor, and he lives with his wife at the house where he was arrested. He was locked up for safe keeping.

Will Oppose Broad Ripple Company. It is understood that the Catizens Streetrailroad Company will strenuously oppose the granting of a franchise allowing the Broad Rippie company to enter the city by streets not occupied by the Citizens' com-pany. H. S. McKee, of the latter comcany, is now in the city, and others interested are expected to-morrow.

South-Side Club Reception.

The South-side Republican Club will give a reception Wednesday night at the club rooms, 300 Virginia avenue, to the Republican officers-elect, their deputies and to representatives of the press. The hours are from 9 to 12 p. m. W. H. Leedy is president

Gray Club Officers.

J. W. McDonald has been elected president of the Gray Club, Robert F. Emmett vice president and Patrick Gorman treasurer. The vote for secretary was a tie and will be settled at the next meeting.

Charged with Stealing Two Pigs. Governor Matthews yesterday made requisition upon Governor McKinley, of Ohio, for the arrest and extradition of Henry Edings, of Clinton county, who is wanted on a charge of stealing two pigs.

for election of Representatives and Sena-tors, and not have a new assembly. The precedent set by Congress & cited as an example. The number of sessions does not

Fee and Salary Committee Under Mr. Van Arsdel-Horse Ment Industry at Hammond.

About half of the legislators had left the

city for their homes last night, and the other 50 per cent, was either at the theaters or in the hotel lobbies, wondering how Speaker Adams would divide his committees which he will probably announce before the House convenes to-morrow afternoon, Several of the chairmanships have been determined, although Speaker Adams declines to give out his list of committees. Mr. Van Aradel, of this county, will be at the head of the committee on fees and salary, Several of the members at the Denison last night were willing to be perfectly satisfied if left off this committee. One of them expressed it thus: "I feel under obligations to one or two county officers, and yet I would dislike very much to take a prominent part in legislation that might bring my constituents down on me." This committee will have much of the struggle with the representatives of the county officers' associa-

Mr. Allen, of Daviess county, will be appointed chairman of the ways and means, the most important of the House committees. It was expected by a number that Mr. Merritt, who was, the Speaker's strongest competitor, would receive this place. Mr. Robinson, of Gibson, is to be chairman of another of the important committees, that on judiciary. Fred Holloway, the bright Representative from Vanderburg, will preside over the deliberations of that committee which will look after the welfare of cities and towns. Mr. Remy, of Bartholomew, draws a prize also. He will be at the head of the committee on benevolent institutions, which will undoubtedly have much work before it during the session.

When the House meets to-morrow afternoon the matter of printing the Governor's message will probably be taken up, as there is considerable confusion as to the House's action on the matter Friday. Several of the prominent Republican Representatives, who were under the impression that the House merely reduced the number of copies of the message to be printed, called on the Governor yesterday afternoon and expressed their regret at the announcement that the message was not to be printed at all. Representative Harrison, Democrat, of Shelby county, introduced the resolution calling for the printing of eight thousand copies, and this was amended to make the number five thousand. In the confusion a motion to lay on the table was made. Some members thought they were voting on the amendment. The Speaker announced the motion which was before the House as carried, and the matter dropped. It is said the matter | he does any good or not he receives a salwill be reconsidered Monday. Representa- ary from the government, has all of his extive Terhune is one of the Republican Representatives who believe five thousand copies of the message should be published. Clerk Brown, of the House, went home to spend Sunday. He has not given out a list of his employes.

HAMMOND'S HORSE FLESH INDUSTRY Legislature Will Probably Investigate

the "Dried Beef" Concerns. The little patch of Indiana up by the end of the big lake has engrossed a great deal of the State's attention in the last few years, with its prize fights, its gambling houses, its Roby track, and now, last of all its establishments for converting decrepit horses into prime steaks and high grade dried beef. Hammond has the honor of fostering the equine beef industry, and the people in the neighborhood who are cognizant of the output of the two or more establishments within the confines of Lake county excuse the industry on the ground that the pickled steaks and dried beef are shipped to Belgium. There is a strong suspicion that all of the horse meat does not go to Belgium, but that a great deal of it is sold even in Indiana under the guise of

A bill will probably be introduced in the Legislature soon calling for an investiga-tion of these establishments, with a view of compelling them to properly label their products. It is said the proposed bill re-quiring impure and deceptive food prod-ucts, such as oleomargarine and the like, to be labeled will also cover the horse meat industry in Lake county. Several gentle men from that county were discussing the establishments at the Denison last night They live near one of these establish and say that a large number of fat horses are slaughtered for food products and that it is only occasionally a broken-down horse is used. A fat horse with a broken leg or sore hoofs, rendered useless for service, can be bought cheap and converted profita bly into various products. The "dried beef" made from a horse is distinguished in part from the genuine article by the absence of any streaks of fat. The appearabsence of any streaks of fat. The appearance of the horse meat, when served addred beef, is very red, and is of a more uniform color and fibre than the real beef. The steaks made are pickled and shipped, so it is claimed by the proprietors, to Bel gium, where the people are not averse to ating horse flesh.

In Hammond, just across the Indiana line, are others of these rendering establishments, each of them having a capacity for slaughtering about thirty or forty animals a day. Almost every part of the horse is utilized—hide, flesh, bones and hoofs.

FIFTY-EIGHTH OR FIFTY-NINTH? Old Question of the Correct Number of Assembly Raised.

The question which invariably arises with the convening of the General Assembly of Indiana is again before the public. It is, what is the correct number of this session of the Legislature? Following the numerical order of the sessions, the present assembly is the fifty-ninth; but by William H. English and others it is asserted that this is only the Flfty-eighth General Assembly of Indiara.

In 1887, when the Legislature convened and A. Green Smith, the President of the Senate, opened the session as the fifty-fifth, William H. English, as president of the Indiana Historical Society, sent a communication to that body, stating that, in his estimation, the number of the assembly was the fifty-fourth and not the fifty-fifth, He said it was the fifty-fifth, according to the Senate journals since 1863, but he considered that a mistake was made in the numbering in that year. He asked that the matter be investigated, so that all doubt might be removed and the journals corrected. His communication was referred to the committee on public libraries and was never again

An investigation of the journals reveals the grounds upon which Mr. English bases head and mutters some meaningless words. eral Assembly met in January and adjourned in March. About that time, or shortly afterwards, came the call from President Lincoln for men and supplies for the army, Consequently, Governor in April, issued a call for a special session of the State Legislature, which convened April 24. The journal for this session was entitled, "A special session of the Forty-first General Assembly," which was the first General Assembly," number of the regular adjourned session, and which, it is contended by Mr. English, was entirely proper, as it was a part of the Forty-first Assembly. But when the next Legislature convened in January, 1861, for some unknown reason, it was called the Forty-third General Assembly, instead of the Forty-second. There is, consequently, no Senate journal which bears the title of Forty-second Assembly.

From these facts it appears that the present session is not the fifty-ninth, but rather the fifty-eighth; notwithstanding it will, in all probability, go down in history as the Fifty-ninth General Assembly, for the number could not be changed unless those of all the sessions since 1863 should be changed also, and it is not in the least likely that the present Legislature will care to take that trouble. It is argued, by those who contend that

this is the Fifty-eighth General Assembly, that it is not a meeting which makes an assembly, but the members, and that a dozen meetings might be held, if by the same members, and between the regular times

MUNYON'S CHALLENGE

The Following Correspondence Explains Itself.

regulate the title of the session, but when a newly-elected Congress comes into office the number is changed, thus indicating that the body of men selected by the people is

the assembly and not the regular stated

One of the new members who will be prominent in the lower house is S. Edgar Nicholson, of Kokomo. He is a graduate of Earlham College and a member of the Society of Friends and holds a minute of ministry. He serves every year as recording clerk of the Western Yearly Meeting.

It was he who managed the canvass of Assistant Secretary Wright, whose acquaintance was limited, outside of his county, before his candidacy was announced. This matter was handled with successful tact and landed his man in the place that was sought for him.

Apportionment Committees Divided.

The House committee on rules held a

meeting, yesterday afternoon, and decided

to divide the apportionment committee,

making a committee on congressional ap-

portionment and a committee on legislative

will consist of thirteen members, one from each congressional district.

The committee also concluded to enlarge the House committee on fees and salaries

to thirteen members, so as to give one from

THE TURKISH DOCTOR

DEMANDS THAT HIS FEE BE AS-

SURED OR PAID IN ADVANCE.

Only Two Medical Schools in the

Turkish Empire-Talk with an

Armenian Student.

According to Scontad Hovosapian, the

young Armenian attending the Central Med-

cal College of this city, the practice of med-

icine is quite a new study in Turkey. The

young man was educated at a mission

school in Constantinople, and after complet-

ing the course he decided upon the prac-

tice of medicine as a profession, but as no

means were offered him at home for prep-

aration and as he thought the advantages

were of an inferior grade he set his face

westward and finally arrived in Indianapolis

last March, after a hard trip. He arrived

here penniless, but good fortune smiled

upon him, and a course at the Central Col-

"In my country," he said a few days

ago to a Journal reporter, "the study of

medicine still remains in its ancestral

state, despite the progress of the medical

world. There are but two schools in the

country where medicine can be studied, and

they are both at Constantinople. One is

for military doctors and the other for pri-

vate doctors. They both are under the

charge of the government. The former

school is free of all expense, but in exchange for this free tuition the graduated

doctors must serve five years in the army.

It is very seldom that he quits at the end

of this time, because no matter whether

t hope that by and by his degree can be

raised to that of a pasha. For this reason

the military college is always crowded,

while the private school has few scholars.

The course of study is seven years, includ-

ing two years of preliminary preparation in

French and Turkish. The two colleges are

French and Turkish. The two colleges are copied after the schools of France, with French text-books and French professors. The result is not all that could be desired. The medical student in Turkey seems quite unaware of the responsibility which rests on a doctor. The medical students are the most reckless and jovial element of the population.

ulation. Their ideas do not pass beyond fine dress, luxuries and gallantries."

"But how do they manage to pass their examinations," asked the reporter. Mr. Hovosapian gave a significant shrug of his shoulders and replied:

"The general mode of conducting affairs in Turkey prevails in the medical schools. The bakshish is the power greater than

The baksnish is the power greater than brains or hard study. The students have two holidays a week, and every might they can be found around the theaters or the cafes. How much they lose from their studies I cannot say, but the bakshish, which must be slipped into the hands of the examiner, as the Americans say does the business."

"Do the graduated physicians practice

the business."
"Do the graduated physicians practice this system of bribery?"
"To some extent they do. Many of the doctors will not go to visit a sick person unless the fee is paid beforehand or assured. Oftentimes they will stop to wrangle about the size of the fee before starting out. The best doctors have one or two hours a week set aside when they receive

hours a week set aside when they receive patients at their offices who are doubtfu about the fee. No business can be con-ducted in Turkey without the blessed bribe.

You have to pay bakshish to have a letter received at a postoffice. The fire department of Constantinople ran to a fire, and then refused to do any work until the amount of their reward had been fixed by the owner of the burning building. How can doctors or anybody else do anything under these conditions to advance the countre?"

"In the two colleges I mentioned Chris-

tian subjects are nominally allowed to en-

graduating. There are so many difficulties and so many bakshishes in the way of the Christian student that he has a poor chance. Very few Christians have succeed-

ed in graduating from the schools, as they are distinctly Turkish in both religion and

customs. As a result, the Christians who desire to study medicine go to Paris, Vien-

na or America. I came use the most pop-key. The Paris schools are the most pop-key. American doctors are regard-

ular, but the American doctors are regarded more favorably than the English doc-

"Are there many doctors in Turkey?"
"Not enough, and all of them are in Constantinople. Thousands of people die annually throughout the empire for want of medical attention. The women are the doc-

medical attention. The women are the doctors for the poor people. Every good woman must know the use of the so-called remedles for diseases, and every house has a stock of dried herbs and roots. These are collected from the mountains and hills during the supportions and carefully kent for

collected from the mountains and hills during the summertime and carefully kept for use in case of sickness in the family. The women believe a great deal in severity, and think there can be no cure without pain. I remember how my grandmother treated me, and I can still feel the pain in my bones. She used to give me terrible medicine, and many a time when I was sick I have pretended to be quite well to escape her treatment."

"Are there any magicians in Turkey who

pretend to effect cures?" was a question

"Yes, and they form a third class of doc-

tors. A stranger can see them frequently

erywhere else in Turkey. They are Tur-kish priests, and the more successful ones have long white beards. They generally choose for their office a place before a mosque door or a fountain. They sit, with

crossed legs, on a small piece of matting, with a small square table before them, on which are displayed all kinds of knives,

a few heads of garlie, small pieces of glass,

copper coins and everything of an extraor dinary nature one can imagine. Their fee

for treating a case is about 100 paras, or equivalent to 10 cents in American money, The treatment for every disease and pain

is the same. The patient is made to sit be-fore the priest on his knees. The so-called doctor then puts his hands on the patient's

head and mutters some meaningless words, now and then turning his eyes toward heaven. The things on the table are next passed successively over the patient's head and over his body, and all the time the murmuring and muttering soes on. At last the patient is pronounced cured. If by chance he does recover the news spreads until it is in everybody's mouth, and the

successful magic practitioner does a big business for a time. A doctor can spend years and years in study, yet never in his practice make half what one of these lazy Turks make in a quiet and lazy way."

"Who attends to the dental work of the people?"

"The barbers are the dentists. They do

not attempt to treat the teeth, but they pull them when they ache. They have no modern tools to work with, and the pa-

t'ent suffers great pain. When I get through my studies I am going back home and do what I can to relieve the sufferings

of my people. There is an excellent chance to do a great deal of good throughout Tur-

Goes in Office Next Thursday.

her treatment.'

people?

na or America. I came here b

You have to pay bakshish to have a

lege was offered him.

apportionment. Each of these comm

each congressional district.

The Indianapolis Sentinel Invited to Investigate.

Of Interest to Everybody.

10,000 Trial Bottles of Munyon's Gunranteed Rheumatism Cure Will Be Given Away for Two Days & the Sentinel Office, Beginning Monday Morning, Jan. 14.

To the Editor of the Indianapolis Sentinel: Having discovered a positive and speedy cure for rheumatism, I address you in the hope that you will give publicity to my claim. I am well aware that in making the bold assertion that I have discovered a positive cure for rheumatism, there will arise a strong doubt in the minds of the public as to the truth of the statement, and that a large majority of the people will class this new discovery with the Koch lymph fallure and the Brown-Sequard elixir of life delusion.

It is to overcome this prejudice that I invoke the aid of the Sentinel. I court the fullest investigation under your direct and personal supervision. I would suggest that the fairest and surest way to test the efficacy of this remedy would be for this company to send ten thousand trial bottles to the Sentinel office, there to be given out absolutely free, to all persons afflicted with rheumatism, that the name and address of each person who accepts the remedy be entered in a book, and at the end of one week a reporter be detailed to interview the parties who have taken the medicine, and that the results of each case be published in the Sentinel. By this means there can be no deception or fraud, and the value of this remedy will stand or fall upon the testimony of those who have tried it.

Improbable as this statement may seem to you or to those who have doctored for years with the most skilled physicians without benefit, yet I affirm and am prepared to prove by over forty thousand prople whom we have cured, that this remedy will cure acute or muscular rheumatism in from one to five days. It never falls to cure sharp, shooting pains in the arms. legs, sides, back or breast, or soreness in any part of the body. It is guaranteed to promptly cure lameness, sciatica, lumbago, stiff and swollen joints, stiff back and all pains in the hips and loins. It seldom falls to give relief after one or two doses. and almost invariably cures before one bottle has been used.

We do not claim that this remedy will cure rheumatism where the limbs are twisted out of shape, or where the disease is complicated by a scrofulous diathesis but by careful record we find that this remedy fails to cure only in about 5 per cent, of the cases in which it has been

One of the strongest recommendations for this remedy is that it is absolutely harmless, and that a person can take the whole contents of a bottle without the slightest ill effects. Unlike the medicines used in ordinary practice for the cure of rheumatism, such as iodide of potash, and sallicylio acid, which irritate the stomach and kidneys and disorganize the general system without effecting a cure, this remedy acts as a strong tonic, and is invaluable in building up weak and debilitated people.

Believing that there is no cause so holy and inspiring, no vocation so lofty and ennobling, nothing so sure of man's gratitude and God's blessing as an honest effort to relieve suffering humanity, I beg to remain yours, truly,

JAMES M. MUNYON. Mr. James M. Munyon, President Munyon's

Homeopathic Remedy Company, Metropolitan Hotel: Dear Sir-The Sentinel accepts your above proposition, and gives you the privilege of using its office for the distribution of the

10,000 vials of your remedy, in the interest of

humanity, as suggested in your favor of

Nov. 8. The Sentinel will from time to time investigate any facts brought to its notice regarding your discovery. Very respectfully,

FINE WALL - PAPERS

AT THE PRICE OF TRASHY GOODS.

ROLL'S SONS

New Goods are stunners. You will say so if you see them.

103 E. Washington St.

Chicago, Friday night, died at St. Luke's Hospital yesterday.

DAILY. VITAL STATISTICS-JAN. 12.

Births. George and Lottie Miller, 90 Steven street, George F. and Effic Kerr, 70 Division

street, boy. Fred and Annie Roeder, 112 Wisconsin Roscoe and Maggie Ruttege, 75 Minerva Ernst and Mrs. Grechleir, 315 Shelby street, boy Mr. and Mrs. Silcox, Minnesota street, Mr. and Mrs. Kelle, 42 Arizona street.

Andrew and Maggie Bordenkecher, Malots Peter and Joan Laws, 420 Superior street, Total number of births during the week. Deaths.

James Sanders, thirty-four years, 362 North California street, phthisis North California street, pathisis.

William Renihan, thirty-eight years,
West Indianapolis, heart trouble.
Patrick Kelley, sixty-five years, 58 Raymond street, general debility.
Patrick Danahey, twenty-four years, 63
Spann avenue, typhoid fever.
Chris Schoershusen, twenty-one years, 101 Sanders street, pneumonia.

Mrs. Stanton, seventy years, 33 Buchanan street, senile debility. Mary L. Laneface, twenty-one years, 310 South Meridian street, consumption. Infant Hinshaw, three years, 22 Mickle

street, pericarditis, Fred Campbell, three months, 262 South Mississippi street, marasmus, Bernice Seburn, six weeks, 316 Union treet, meningitis. Karl Gronert, five years, 35 West Morris street, glycosuria. Total number of deaths during the week,

fifty-one. Marriage Licenses. John H. Dissier and Sarah Rubush, James W. Wimberly and Fannic McFar-John A. Edwards and Lenore Baker.

CITY NEWS NOTES.

Mr. Reginald Hood Gites has returned from an extended visit to his home in Hampstead, England.

A little maid on the North Side, who goes to Sunday school in the morning, remained to service later. It was communion service, When she went home her mother asked her what had kept her. The child told her she went to church and that it was just lovely. Secretary of State-elect Owen will assume the duties of his office next Thursday. His deputy will be W. S. Wright, editor of the Logansport Journal.

The Dose Proved Fatal.

Julius Schatt, said to live in this city, who took arsenic in the Palace Hotel, of